
Friday
December 2, 1994

121-243

Part XI

**Department of
Transportation**

Federal Aviation Administration

**14 CFR Part 121
Protective Glove Requirement; Final Rule**

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 121**

[Docket No. 27926; Amendment No. 121-243]

RIN 2120-AF37

Protective Glove Requirement**AGENCY:** Federal Aviation Administration, DOT.**ACTION:** Final rule; request for comment.

SUMMARY: This action amends the final rule requiring that disposable latex gloves, or equivalent nonpermeable gloves, be located onboard aircraft operated in air carrier, air taxi, and commercial operations. This amendment responds to a petition for exemption filed by the Air Transport Association for an extension of the compliance date of December 2, 1994. With this amendment, the FAA will permit, for the next 18 months, that the protective gloves required for the emergency medical kit may be placed in a location that is readily accessible to crewmembers. With this action, the FAA will avoid a possible disruption in service to the traveling public because of the unavailability of sufficient numbers of modified medical kits.

DATES: Effective date December 2, 1994. Comments must be received on or before January 3, 1995.

ADDRESSES: Send or deliver comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Room 916, 800 Independence Avenue, SW., Washington, DC 20591. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Daniel V. Meier, Jr., Regulatory Branch (AFS-240), Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone: (202) 267-3749.

SUPPLEMENTARY INFORMATION:**Background**

By Federal Register publication of October 18, 1994, the FAA issued a final rule with comment that required disposable latex gloves, or equivalent nonpermeable gloves, to be located onboard aircraft operated in air carrier, air taxi, and commercial operations. This amendment responded to concerns of the FAA and some members of the

aviation industry that a potential health risk exists to crewmembers and passengers from the possibility of incidental exposure to blood borne pathogens. The FAA stated that the amendment would lessen the possibility of that exposure and therefore increase the level of safety for both passengers and crewmembers. The FAA also found that notice and public comment for the rulemaking was impracticable and contrary to the public interest. The FAA stated that "Because this rule will lessen a potential health risk to passengers and crewmembers, those persons should not be further subjected to that potential risk by a delay in issuing a final rule."

By letter dated November 14, 1994, the Air Transport Association (ATA) requests an extension of 18 months beyond the December 2, 1994, compliance date. ATA states that the 45-day compliance requirement of the final rule puts the air carrier industry in an impossible position in that the emergency medical kits (EMK) are prepared and serviced by a very few vendors. Airlines have been notified by these few vendors that the 45-day modification schedule adopted by the FAA will be impossible to meet, forcing the possible cancellation of flights due to the unavailability of modified EMK. ATA proposes in its petition that, for the next 18 months, carriers be allowed to provide a sufficient quantity of protective gloves distributed throughout the cabin of each aircraft in accessible locations. ATA notes that in many cases, it will be possible to affix the gloves to the EMK. Further, ATA states that an equivalent level of safety will be provided by maintaining the required numbers of pairs of gloves on the aircraft in accessible locations. ATA posits that good cause exists for waiver of publication because of the pressing deadline and because the final rule was not published for notice and public comment.

The FAA finds that the ATA presents a logical argument in that flights should not be delayed for modification of the EMK and that an equivalent level of safety will be provided by locating the pair of protective gloves required for the EMK in a location on the aircraft that is accessible to crewmembers.

Good Cause for Immediate Adoption

The FAA finds that notice and public comment for this rulemaking is impracticable and contrary to the public interest. This amendment contains a minor adjustment to the rule based on the fact that sufficient numbers of modified EMK will not be available by the compliance date of December 2, 1994. In addition, the FAA finds that

there will be no adverse affect on safety since the required number of protective gloves will be made available on each aircraft.

Comments on the amendment are invited, however, and the Administrator may amend or rescind the amendment in view of public comment. Comments should identify Docket No. 27926 and be submitted in triplicate to the address provided above. All comments will be available for public review, both before and after the closing date for comments.

Conclusion

For the reasons discussed in the preamble of Amendment No. 121-242, issued September 26, 1994, and based on the findings in that Regulatory Flexibility Determination and that International Trade Impact Analysis, the FAA has determined that this regulation is not a significant regulatory action under Executive Order 12866. In addition, it is certified that this regulation will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This regulation is not considered significant under DOT's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

List of Subjects in 14 CFR Part 121

Air safety, air transportation, aviation safety, safety, transportation, cabin safety, medical kits, first-aid kits.

The Amendment

Accordingly, 14 CFR Part 121 is amended as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. the authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1355, 1356, 1357, 1401, 1421-1430, 1472, 1485, and 1502; 49 U.S.C. 106(g) (revised Pub. L. 97-449, January 12, 1993).

2. Appendix A of part 121, Emergency Medical Kits, is amended by revising paragraph (3) and by adding a new paragraph (4) to read as follows:

Appendix A to Part 121—First-Aid Kits and Emergency Medical Kits

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Emergency Medical Kits

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(3) Except as provided in paragraph (4) of this appendix, the approved emergency medical kit must contain, as a minimum, the

following appropriately maintained contents in the specified quantities:

Contents	Quantity
Sphygmomanometer	1
Stethoscope	1
Airways, oropharyngeal (3 sizes) .	3
Syringes (sizes necessary to administer required drugs)	4
Needles (sizes necessary to administer required drugs)	6
50% Dextrose injection, 50cc	1
Epinephrine 1:1000, single dose ampule or equivalent	2
Diphenhydramine HCl injection, single dose ampule or equivalent	2
Nitroglycerin tablets	10
Basic instructions for use of the drugs in the kit	1
Protective latex gloves or equivalent	1†

† Pair.

(4) Until June 3, 1996, required protective latex gloves or equivalent nonpermeable gloves may be placed in the emergency medical kit or in a location that is readily accessible to crewmembers.

Issued in Washington, DC on November 29 1994.

David R. Hinson,
Administrator.

[FR Doc. 94-29822 Filed 11-30-94; 3:23 pm]

BILLING CODE 4910-13-M